

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE INVESTIGATION OF THE )**  
**IMPACT OF THE FEDERAL TAX CUTS AND JOBS )**  
**ACT OF 2017 ON ALL UTILITIES IN THE ) Case No. 18-00016-UT**  
**JURISDICTION OF THE NEW MEXICO PUBLIC )**  
**REGULATION COMMISSION )**  

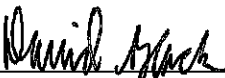
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**NOTICE OF FILING**

**NOTICE IS HEREBY GIVEN** that the attached documents were received by the Commission's Office of General Counsel from the Commission's Utilities Division ("Staff"). These documents are from regulated investor owned natural gas utility New Mexico Gas Company in reply to Staff's February 2, 2018 letter that requested responses to certain questions regarding the federal Tax Cuts and Jobs Act of 2017 in this Docket.

**DATED** this 20th day of March 2018.

**NEW MEXICO PUBLIC REGULATION COMMISSION**

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**David Black, Associate General Counsel**



**New Mexico**  
**GAS COMPANY\***  
AN EMERA COMPANY

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February 23, 2018

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Re: NMPRC Case No. 18-00016-UT – *In the Matter of the Investigation of the Impact of the Federal Tax Cuts and Job Act of 2017 on All Utilities within the Jurisdiction of the New Mexico Public Regulation Commission*

In its Order dated January 24, 2018 (NMPRC Case No. 18-00016-UT) the New Mexico Public Regulation Commission (“NMPRC” or “Commission”) commenced a review of the effects of the Federal Tax Cuts and Jobs Act of 2017 (“TCJA”) on Regulated New Mexico Utilities.

As Ordered, on February 2, 2018 the Commission Utility Division staff (“Staff”) forwarded a letter asking three questions of New Mexico’s utilities. New Mexico Gas Company, Inc. (“NMGC” or the “Company”) responds as follows to the Staff’s three questions:

**Q1. Based on the current calendar year of January 1, 2018 through December 31, 2018, what impact does the Utility expect to realize on its New Mexico financial operations because of the TCJA federal corporate tax rate changes? In your response please address, at a minimum, the impacts on tax expense, accumulated deferred income tax (“ADIT”), and excess ADIT.**

A. Attached as Exhibit I is an illustration of the impacts of the TCJA on NMGC’s operations including impacts on corporate income tax expense, accumulated deferred income tax (ADIT), and excess ADIT. These estimates are based on forecasted information including an assumption of normal weather. As stated in Exhibit I, NMGC’s actual results in 2018 may vary from the forecast.

As shown in Exhibit I, the TCJA is anticipated to reduce the Company’s 2018 income tax expense in 2018 by approximately \$4.5 million. Thus, the TCJA will have a positive impact on NMGC’s financial operations in 2018. However, even with the benefits of the TCJA, the Company is projected to underearn in 2018 relative to the ROE used in the illustrative cost of service from the 2011 Rate Case. NMGC’s ROE for the calendar year 2017 was 6.9%. Even reflecting the TCJA’s lower tax rate in the Company’s operations in 2018, the Company’s ROE in 2018 is expected to be approximately 8.1%. Thus, even with the benefits of the TCJA, the Company is projected to underearn in 2018 relative to the ROE used in the illustrative cost of service from the 2011 Rate Case.

As shown in Exhibit 1, the TCJA also generates \$26.8 million of excess ADIT which is reclassified from ADIT to an income tax regulatory liability. As set forth below, the Company is proposing that this benefit of the TCJA be dealt with in the Company's 2018 Rate Case.

**Q2. What does the Utility propose to do with the realized tax rate reduction savings, if any?**

**A.** NMGC is filing a rate case on February 26, 2018 ("2018 Rate Case") and is including the full impacts of the TCJA on NMGC and its customers in that rate case.

As detailed in the 2018 Rate Case, NMGC is proposing that the Company's existing rates (2018 is the last year of rates that went into effect in 2012 based on a base year ending October 2010) not be affected or adjusted because of TCJA. The Company is proposing that the new utility rates established in the 2018 Rate Case (to become effective early in 2019) fully account for and include the new corporate tax rates established in the TCJA. The Company takes this position for the following three reasons:

First, the suggested approach is consistent with what took place in New Mexico in 1986 - the last instance when major federal income tax reform legislation was passed. The Commission in 1986 recognized that it was important to consider the earnings performance of each utility, the validity of the cost of service calculation being considered, and the overall economic picture for each utility. Ultimately, each investor owned utility in New Mexico updated its cost of service calculation through rate cases to reflect the transfer of the 1986 tax reform benefits to its customers.

Second, NMGC's last cost of service study was completed as part of the rate case filed in 2011. Any changes to the existing rates determined using the 2011 cost of service to reflect the TCJA, or otherwise, would be both piecemeal and retroactive rate making and inconsistent with long held principles of rate making in New Mexico.

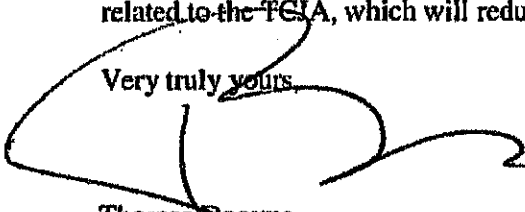
Third, as stated above, NMGC underearned in 2017, and even after the TCJA, is projected to underearn in 2018. Asking or having NMGC reflect the new Federal tax rates in its existing utility rates in 2018, even if possible or permissible, would only exacerbate the Company's underearning situation.

**Q3. Are there any other impacts of the TCJA on the Utility's financial operations that the Utility would like to bring to the Commission's attention?**

In its 2018 Rate Case, NMGC is reflecting the benefits of the TCJA through a reduction of its revenue requirement. NMGC calculated the revenue requirement in the 2018 Rate Case using the federal income tax rate from the TCJA of 21%. The lower rate reduced the revenue requirement, thereby passing the benefit through to customers, by approximately \$9.2 million. In addition, the 2018 Rate Case includes amortization of the regulatory liability for excess ADIT, which further reduced the revenue requirement by \$0.4 million.

In summary, NMGC is proposing that it deal with the impacts of the TCJA as part of its 2018 Rate Case. The approach is consistent with historical practice and long-held principles of rate making in New Mexico. The 2018 Rate Case will include approximately \$9.6 million of benefits related to the TCJA, which will reduce its revenue request and directly benefit its customers.

Very truly yours,



Thomas Bonme  
Vice President and General Counsel

Estimated Impacts of TCJA on NMGC's Operations

2018

NMGC

Line No.	Description	(In Millions)	Reference
1	Income Tax Expense Impacts		
2	2018 Estimated Earnings Before Income Taxes	\$ 34.1	
3	State Income Taxes @ 5.57%	1.9	Line 2 * 5.57%
4	Federal Taxable Income	32.2	Line 2 - Line 3
5	Federal Income Tax at 35%	11.3	Line 4 * 35%
6			
7	Total Income Taxes Before TCJA	13.2	Line 3 + Line 5
8			
9	State Income Taxes @ 5.57%	1.9	Line 2 * 5.57%
10	Federal Income Tax at 21%	6.8	Line 4 * 21%
11	Total Income Taxes After TCJA	8.7	Line 9 + Line 10
12			
13	Impact of TCJA on Income Tax Expense (Note 1)	\$ 4.5	Line 7 - Line 11
14			

General Note: The above illustrative calculation contains forecasted information, including the assumption of normal weather, the actuals results may vary depending on conditions actually achieved.

Note 1: Line 13 does not reflect the amortization of excess ADIT which is approximately \$400,000 annually.

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Estimated Impacts of TCJA on NMGC's Operations

12/31/2018  
 NMGC

Line No.	Description	FERC Accounts	(In Millions)	Reference
1	2018 Budgeted ADIT Balances Before TCJA			
2	Deferred Income Tax Assets	FERC 190	\$ 61.6	
3	Deferred Income Tax Liabilities	FERC 282 & 283	(145.4)	
4	Total Budgeted ADIT Before TCJA		\$ (83.8)	Line 2 + Line 3
5				
6	ADIT Adjustment for Impact of TCJA (Note 1)			
7	Deferred Income Tax Assets	FERC 190	\$ (20.3)	
8	Deferred Income Tax Liabilities	FERC 282 & 283	47.0	
9	Total ADIT Adjustment, or Excess ADIT		\$ 26.8	Line 7 + Line 8
10				
11	2018 Estimated ADIT Balances After TCJA			
12	Deferred Income Tax Assets	FERC 190	\$ 41.4	Line 2 + Line 7
13	Deferred Income Tax Liabilities	FERC 282 & 283	(98.4)	Line 3 + Line 8
14	Total Estimated ADIT After TCJA		\$ (57.0)	Line 12 + Line 13
15				
16	Illustrative Regulatory Liability for Excess ADIT		\$ (26.8)	Line 9 * .1
17	Illustrative Annual Amortization of Excess ADIT		\$ (0.4)	
18				

Note 1: The ADIT adjustment illustrated above reflects the one-time revaluation of ADIT amounts at 2.1% federal income tax vs. the previous federal tax rate of 35%.

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THE JURISDICTION OF THE NEW MEXICO )  
PUBLIC REGULATION COMMISSION )**

**Case No. 18-00016-UT**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing **Notice of Filing**

was served via email and first-class mail on March 20, 2018, to the parties listed below:

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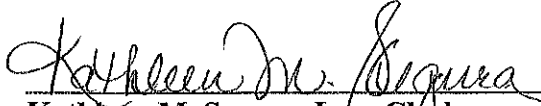
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**DATED** this 19<sup>th</sup> day of March, 2018.

**NEW MEXICO PUBLIC REGULATION COMMISSION**

  
 Kathleen M. Segura, Law Clerk